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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,332	08/02/2001	Eric Lawrence Barsness	IBM / 189	5017

26517 7590 01/04/2006

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EXAMINER

BEKERMANN, MICHAEL

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/921,332	BARSNESS ET AL.	
	Examiner	Art Unit	
	Michael Bekerman	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 101

2. **Claims 31 and 32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.** Regarding claims 31 and 32, these claims appear to be merely programming instructions (or possibly merely data) per se and is not statutory. The program product needs to be clearly embodied on a computer readable medium, and a signal bearing medium and a transmission medium are not interpreted to be computer readable mediums. Please reference MPEP 2106 (IV) (B) (1) (a) for the basis of this rejection.

Claim Rejections - 35 USC § 103

3. **Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Messina (U.S. Pub No. 2004/0172415).**

Regarding claims 1-6, 8, 9, 17-21, 23, 24, 31, and 32, Messina teaches a crawler module (operating over a communications network) that searches through multiple message boards and news groups (inherently accessible to multiple

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individuals) posting advertisements in reply to particular messages whenever the messages are relevant to the advertisement. Messina teaches the crawler module as retrieving postings, and this is taken to be receiving. Messina doesn't specify the original message as containing a query, however Messina does teach the crawler module as only replying to particular messages. Applicant explains in the specification that query detection algorithms are well known in the art (Page 17, Lines 21-22). It would have been obvious to one having ordinary skill in the art at the time the invention was made to restrict Messina's crawler module to reply to only queries using a well-known query detection algorithm to augment the crawler's logic. This would better target a message-board user as one who is seeking advice, so that user might not frown upon an advertisement as a reply. Any reply (Messina's replies identify information sources) to a query is taken to be an answer to that query.

Regarding claims 7 and 22, Messina does not specify message boards and news groups as having memberships. Official notice is taken that it is old and well known for message boards to require membership. Message boards have required users to register nick names (or handles) so that no one can impersonate anyone else. It would have been obvious to one having ordinary skill in the art at the time the invention was made to require membership to Messina's message boards.

Regarding claims 10, 12, 13, 25, and 27, Messina's crawler module searches through forums. The exchange of messages from one person to another is taken to be chat. The message board contains these messages, and therefore is taken to be a virtual chat room.

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Regarding Claims 11 and 26, Messina doesn't specify the crawler module as searching through and responding to emails. Official notice is taken that a listserv is a type of newsgroup that is operated over email. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the crawler module search messages in any type of electronic community including a listserv. This would allow the invention to reach more users.

Regarding claims 14 and 28, if there is a message posted on an electronic community, that message can inherently be responded to (or answered).

Regarding claims 15 and 29, Messina doesn't specify whether the crawler module determines if a post has already been answered. It would have been obvious to one having ordinary skill in the art at the time the invention was made to not answer the same post twice. Users would not appreciate the spam otherwise.

Regarding claims 16 and 30, Messina teaches the posting of links to various websites, online forums, and newsgroups. These are all taken to refer to different advertisements, and a selection process to determine what to post is inherent.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to message board advertising:

U.S. Patent No. 6,205,432 to Gabbard

U.S. Patent No. 6,515,681 to Knight


U.S. Pub No. 2001/0056371 to Shuster

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Bekerman whose telephone number is (571) 272-3256. The examiner can normally be reached on Monday - Friday, 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric W. Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JEFFREY D. CARLSON
PRIMARY EXAMINER